

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FRANK A. HOWELL

Appeal 2007-1060
Application 10/822,549
Technology Center 3600

Decided: March 29, 2007

Before EDWARD C. KIMLIN, BRADLEY R. GARRIS, and
CHARLES F. WARREN, *Administrative Patent Judges*.

KIMLIN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 and 8-15.

Claims 1 and 10 are illustrative:

1. For use with a flexible strap having a substantially uniform width and thickness and an end tab of increased thickness, a buckle for capturing and releasably retaining said end tab, said buckle comprising:

a base;

parallel side walls extending upwardly from and cooperating with said base to define an open-ended receiving channel having an entry end and an exit end;

first slots extending transversally across said base, said buckle being attached to said strap by weaving said strap into and out of said channel through said first slots;

flanges spaced vertically from said base and extending inwardly in cantilever fashion from said side walls to define an open-ended second slot communicating with and extending along the length of said receiving channel, said second slot being configured and dimensioned to accommodate longitudinal pinching and lateral insertion of said strap into said receiving channel, said flanges having undersides configured to accommodate receipt of said end tab in said receiving channel via said entry end, and to releasably wedge said end tab in and prevent withdrawal of said end tab from said receiving channel via said exit end.

10. The buckle of claims 1 or 9 wherein said flanges have converging sections leading from a maximum width of said slot at the entry end of said receiving channel to a reduced width of said slot at an intermediate location along the length of said channel.

The Examiner relies upon the following reference in the rejection of the appealed claims:

Dillin

US 541,729

June 15, 1895

Appellant's claimed invention is directed to a buckle for capturing and releasably retaining an end tab of a strap.

Appealed claims 1 and 8-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dillin.

We have thoroughly reviewed the respective decisions advanced by the Appellant and the Examiner. As a result, we will sustain the Examiner's

rejection of claims 1, 8, 9, and 11-15, but we will not sustain the rejection of claim 10.

Although the buckles depicted in the drawings of Appellant and Dillin are different in appearance, we concur with the Examiner that Dillin describes a buckle within the scope of claims 1, 8, 9, and 11-15 within the meaning of § 102. Regarding claim 1, Appellant maintains that Dillin does not describe the buckle having a "slot being configured and dimensioned to accommodate longitudinal pinching and lateral insertion of said strap into said receiving channel" (claim 1, last para.). However, we agree with the Examiner that "Dillin does meet the claim limitation since the slot that is defined by the two free ends of the head C as seen in Figure 4 has a smaller dimension than the recess F that has 'substantially the same diameter as the flexible tie or cord E'" (page 7 of Answer, third full sentence). While Appellant points out that recess F of Dillin is substantially the same diameter as the flexible tie or cord E and, therefore, does not require pinching, the Examiner correctly points out that the gap or slot defined by the free ends of flanges C is narrower than recess slot F. Moreover, the claim recitation is also a function of the thickness of the strap or cord which forms no part of the claimed buckle. Manifestly, recess F of Dillin is capable of pinching a cord of appropriate thickness.

Appellant also contends that the undersides of Dillin's flanges are not configured "to releasably wedge said end tab in and prevent withdrawal of said end tab from said receiving channel via said exit end" (claim 1, last two lines). It is Appellant's position that the cord of Dillin is prevented from slipping outwardly by the bight N. However, we agree with the Examiner

that Dillin also discloses that underside surfaces forming part of a counter bore are necessary in order to prevent accidental release of the cord (and "[t]hese undersurfaces are required to keep the end tab (M) within the channel F" (page 7 of Answer, para. (b))). We find no error in the Examiner's analysis of Dillin's disclosure at lines 51-56 and 68-75 in the paragraph bridging pages 7 and 8 of the Answer, and Appellant has not rebutted such.

As for separately argued claims 9, 11 and 15, we essentially agree with the Examiner's analysis set forth in the Answer.

We agree with Appellant, however, that Dillin does not describe the claim 10 recitation that "flanges have converging sections leading from a maximum width of said slot at the entry end of said receiving channel to a reduced width of said slot at an intermediate location along the length of said channel." As can be seen in Figure 2 of Dillin, the slot defined by recess F has a constant width and, therefore, does not have a reduced width at an intermediate location along the length of the recess. It may be that the Examiner has misinterpreted the meaning of the shading in Figure 4 of Dillin to depict a reduced width as the recess extends into the plane of the paper.

In conclusion, based on the foregoing and the reasons stated in the Answer, the Examiner's Rejection of claims 1, 8, 9 and 11-15 is affirmed. The Examiner's rejection of claims 10 is reversed. Accordingly, the Examiner's decision rejecting the appealed claims is affirmed-in-part.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(iv)(effective Sept. 13, 2004).

AFFIRMED-IN-PART

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